

MONTANA LEGISLATIVE HISTORY

Chapter 7 19 71

Bill H 5 S _____ Original bill & history C

H. Committee on Business & Industry

S. Committee on Agriculture

Hearing Date(s) 1-15 _____ C

Hearing Date(s) 1-22 _____ C

_____ C

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Date Out 1-20 _____ C

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

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20		212	An act to amend Section 46-2331, R.C.M. 1947, relating to fees which may be imposed by the State Grass Conservation Commission against districts.	373
21		85	An act to revise the water pollution control act by placing administration of the act with the Department of Health under policy guidance from the Board of Health; redefining the meaning of pollution; broadening the activities under which a permit must be gained under Section 69-4806, R.C.M., 1947; defining the duties of the Board of Health	

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			and Department of Health; including as a member of the state water pollution advisory council, the commissioner of agriculture, deleting representative of agriculture, adding a livestock feeder, a representative from labor, a supervisor of a soil and water conservation district, a representative of an organization concerned with water recreation and a representative of an organization concerned with fishing for sport; changing the name of the state water pollution control council to the state water pollution advisory council and redefining its function; providing for a director of water pollution control; enacting a new hearing and appeals procedure; adopting a new emergencies procedure; amending Sections 69-4801, 69-4802, 69-4804, 69-4805, 69-4806, 69-4810, 69-4811, 69-4812, 69-4813, and 69-4814, R.C.M. 1947; and repealing Sections 69-4803, 69-4807, 69-4808, 69-4809, 69-4815, 69-4816, 69-4817, 69-4818 and 69-4819, R.C.M. 1947.	1
22		132	An act amending Sections 81-412, 81-419, 81-426, 81-428, 81-502, 81-606, 81-613, 81-615, 81-915, 81-1113, 81-1702.1 and 81-1703, R.C.M. 1947, to eliminate fees established by statute and to provide general authority for the commissioner of lands and investments to establish those fees with the approval of the board of land commissioners and providing for an effective date.	3
23		23	An act subjecting state and national banks to the Montana corporation license tax; and repealing Section 84-1501.4, R.C.M. 1947; and providing effective dates.	3
24		411	An act to amend Section 46-2322, R.C.M. 1947, providing grazing preferences appurtenant to dependent commensurate property.	3
25		129	An act providing that the valuation of shares of stock of national and state banks for purposes of taxation be determined in like manner; repealing Section 84-306, R.C.M. 1947, relating to valuation of shares of stock of national banks, and amending Section 84-307, R.C.M. 1947, relating to valuation of shares of stock of state banks, to accomplish the intent of this act; and providing for an effective date. ..	40
26		133	An act amending Section 81-204, R.C.M. 1947, to eliminate the requirements for issuance of triplicate receipts for payments made to the state through the office of the state commissioner of lands and investments; providing for receipts for cash payment or upon request; and providing for an effective date.	40
27		134	An act to provide for the cancellation of leases on state lands by the commissioner of state lands and investments subject to appeal to the state board of land commissioners, by amending Sections 81-414, 81-415, 81-419 and 81-422, R.C.M. 1947; and providing an effective date.	40
28		184	An act amending Section 91-4411, R.C.M. 1947, to clarify the application of the estate tax upon transfers of estates of decedents; to include nonresident estates under the act; to provide an apportionment formula when estate is partly within and partly without the state; and to provide a tax situs for property for estate tax purposes, and providing an effective date.	40
29		228	An act to provide for the establishment, organization and operation of the agricultural experiment station by amending Sections 75-8411, 75-8428, and repealing in their entirety Sections 75-8412, 75-8413, 75-8414, 75-8415, 75-8416, 75-8417, 75-8418, 75-8419, 75-8420, 75-8421 and 75-8422 of the higher education laws recodification of the Forty-second Session Laws of Montana.	408
30		231	An act amending Sections 28-103 and 28-123, R.C.M. 1947, providing for definitions of conservation and lands for conservation purposes; and providing for disposal of moneys for forest, forest range, forest water, and forest soil conservation by the board of forestry.	411
31		256	An act amending Section 3-1902, R.C.M. 1947, by permitting certain seeds up to a given percentage to be included in Class 2 and Class 3 mustard seed without being considered foreign material and without affecting grading and to update testing processes.	413

BUSINESS AND INDUSTRY COMMITTEE

42nd Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
HB 71	Amending the store license laws.	1-11	1-13		1-13	DO PASS	Law
✓ HB 106	To provide for the issuance of resort liquor licenses.	1-11	1-20		1-27	DO PASS AS AMENDED.	Enrolli 3-3
HB 21	To permit banks to suspend business during an emergency.	1-11	1-13	Re-referred to committee 1-15-70.	1-13	DO PASS	LAW
HJR 5	Urging that the basic Ntl. Rail Passenger system include a minimum of one passenger train route daily.	1-11		no action to be taken			Killed
HB 83	Relating to persons engaged in the business of servicing, etc. of television and/or radio receiving.	1-11	Wed. 1-27		1-28	DO NOT PASS.	Killed
HB 5 ✓	Territorial Integrity Act.	1-11	1-15			DO PASS	LAW

BUSINESS AND INDUSTRY COMMITTEE

January 15, 1971

The second meeting of the Business and Industry Committee was held Friday morning at 10:30 in Room 433-4 of the State Capitol Building with Chairman Worden presiding.

All members were present with the exception of Rep. Selstad.

House Bill 5, The Territorial Integrity Act, was presented by Rep. Asbjornson. Proponents appearing were Brädley B. Parrish, Representative; C. W. Rader, Fergus Electric Co-op; W. L. Current representing Marias River Electric Co-op; Robert D. Corette representing The Montana Power Company; Calvin S. Robinson representing Pacific Power and Light Co.; Peter C. Pauly, Montana-Dakota Utilities Co.; and Howard Zahller of Yellowstone Valley Electric Co-op. Mr. McKen representing Montana Associated Utilities spoke in favor of the bill but with minor amendments.

House Bill 125 was presented by Rep. Chase Patrick, principal sponsor. Winton Weydemeyer representing Montana State Grange appeared in support of the bill. Opponents were William E. O'Leary, Montana Public Service Commission; Robert D. Corette, The Montana Power Company; C. W. Rader, Fergus Electric Co-op, Inc.; Howard Zahller, Yellowstone Valley Electric Co-op, Inc.; and Calvin S. Robinson representing Pacific Power and Light Co.

House Bill 16 was presented by Rep. Robbins. Proponents were Dan K. Mizner, League of Cities & Towns; Ed Waldo, Public Works in Billings; Phillip M. Auble, Montana League of Cities & Towns; and Walt Anderson, Water Manager of the City of Helena. Opponents were Louis G. Boedecker and Alfred Langley of the Montana Public Service Commission; Lloyd Lockrem, representative from District 9 in Yellowstone; and Tom Kelley representing the County Water District of Billings Heights.

Action was then taken on the following bills:

HB 5...Rep. Burnett moved DO PASS. Motion seconded and carried.

HB125...Rep. Patrick moved do pass. Motion seconded. Rep. Selstad moved a substitute motion of DO NOT PASS; Motion seconded and carried.

HB16...Rep. Burnett moved a do pass recommendation. Rep. Laas moved a substitute motion of DO NOT PASS, which motion was seconded and carried.

The meeting was adjourned at 12:25.

A handwritten signature in cursive script, reading "H O Worden", written over a horizontal line.

H. O. WORDEN, Chairman

PROPOSED AMENDMENT TO HOUSE BILL NO. 5

Amend Section 3, subsection 3, page 3, line 23 to 26 of the original and reproduced bill following the word "service" by striking the words "whether or not such industrial or commercial premises are located closer to the lines of an electric cooperative as provided in subsection (2) (a) of this section, but" and inserting in lieu thereof the words, "provided however such electric utility can extend its lines to such industrial or commercial premises at less cost to the electric utility, or the industrial or commercial customer, than the electric cooperative cost. An independent consultant engineer agreeable to both electric suppliers, or in the event of failure of the electric suppliers to agree on a consultant engineer then by an independent consultant engineer selected by the district court having jurisdiction as provided in Section 6 of this act shall determine which electric supplier can extend its lines to the consumer at the least costs. The costs of such engineering services shall be paid equally by the electric suppliers involved."

CORETT said this
Amendment was H.B. 5. 1934
League against

MR CHAIRMAN AND MEMBERS OF ~~THE~~

THE COMMITTEE ON BUSINESS AND INDUSTRY

I AM REPRESENTATIVE ASBJORNSON,

PRIME SPONSER OF HB 5, KNOWN

AS THE TERRITORIAL INTEGRITY ACT OF 1971

THIS IS THE FIRST TIME THAT A BILL ON

TERRITORIAL INTEGRITY HAS BEEN INTRODUCED

IN EITHER HOUSE THAT HAS BEEN WORKED OUT

AND ACCEPTED BY THE INVESTOR OWNED UTILITIES

AND ~~AT LEAST~~ ^{SEVERAL} ~~SOME OF THE~~ RURAL ELECTRIC CO-

OPERATIVES IN THE STATE OF MONTANA. I HAVE

WITH ME REP PURRISH

AND REPRESENTATIVES

FROM BOTH GROUPS WHO WISH TO TESTIFY AND

ANSWER QUESTIONS ON HB-5. I HOPE ~~THE~~

YOUR COMMITTEE WILL GIVE A DO PASS ON

THIS BILL - ~~THEY~~. IN ITS PRESENT
FORM WITHOUT ANY AMENDMENTS. THANK YOU &

Yellowstone Valley Electric
Co-operative, Inc.
Huntley, Montana
January 15, 1971

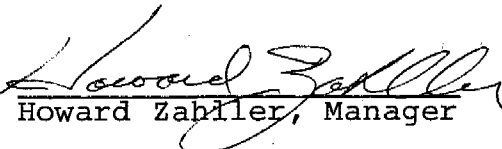
To: Business and Industry Committee
House of Representatives
Montana Legislative Assembly

Attention: Mr. H. O. Worden, Chairman

Yellowstone Valley Electric Co-operative, Inc. has been striving for territory legislation for the electric industry in Montana for several years. We have considered both bills as presented to the 1971 Legislature here in Helena and find that House Bill 5 is basically a good compromise bill.

We would urge this Committee to give House Bill 5 its due consideration and support if at all possible.

YELLOWSTONE VALLEY ELECTRIC
CO-OPERATIVE, INC.

By: 
Howard Zahler, Manager

Senate Committee on Agriculture, 42nd Legislative Assembly, McOmber, Chairman, 1971

BILL NO.	SPONSOR	TITLE	COMMITTEE ACTION	FINAL STATUS
HJR 45	Gunderson	Conserving Wheat Base Acres	Be Concurred In	
HB 5	Absjornson	Territorial Integrity Act	Be Concurred In	
HB 112	Bradley	Public & Private Litter	Be Concurred In	
HB 228	Warfield	Agricultural Experiment Station	Be Concurred In	
HB 230	Gunderson	Bonding of Truckers	As Amended Be Concurred In	
HB 242	Gunderson	Assessment of Wheat	Be Concurred In As Amended	
HB 249	Murphy	Manufactured Dairy Products Act	Be Concurred In	
HB 256	Gunderson	Mustard Seed Grading	Be Concurred In	
HB 262	Nichols	Montana Milk Control Law	Be Concurred In	
HB 540	Anderson	Eminent Domain for Conservation Dis.	Be Concurred In As Amended	
HB 559	Ed Smith	Assessment on Fertilizer	Amended Be Concurred In As	
HB 566 566	Fleming	Apple Grading	Be Concurred In	
SR 15	Lynch	Sheltered Workshops	Be Adopted	

Photocopied from collections in the Montana Historical Society Archives

[illegible]

January 22, 1971

FIRST MEETING

Chairman, Senator McOmber, presided over the meeting of the Agriculture Committee which was held at 12:30 p.m. in Room 402.

ROLL CALL

Roll Call was taken showing ten members present.

TERRITORIAL INTEGRITY ACT OF 1971

Chairman McOmber said that the committee would now
HB 5 consider House Bill 5. He then asked for testimony from proponents of the bill. Representative Asbjornson from Fergus County asked for questions concerning House Bill 5. Toby Rader from Fergus Electric of Lewistown stated he was in support of the bill as is. Representative Brad Parrish also a sponsor of the bill stated he was in favor of the bill and would answer questions concerning the bill. Representative Ed Smith, sponsor of the ammendment stated he supported the bill as is. When testimony was completed, visitors and those testifying were excused. After the visitors and proponents were excused, Bill Meyer, David Irving and Tom Cannon were introduced as legislative aids during this legislative session. At this time Senator McDonald moved that House Bill 5 "DO PASS." This motion was seconded by Senator Rehberg, put to a vote and carried.

Senator Cotton stated proponents of this bill should have had something more to say about the bill.

Graham stated "What the proponents were afraid of is that something might break loose, they were afraid that some questions might arise."

Senator Rehberg said that the Agriculture Committee should be the most important committee in the Senate. Senator McOmber agreed with this.

Suggestions were made in the effect that we take some of the House Bills for consideration in the Agriculture Committee. Rehberg thought the Pesticide Bill should be put in the Agriculture Committee. Graham stated that he had tried to get the pesticide bill into the Agriculture Committee.

There being no further business, the Chairman declared the meeting adjourned.


McOmber, Chairman

SENATE COMMITTEE ON

AGRICULTURE

NAME	DATE														1971																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															
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75-4120, 75-4120.1, 75-4120.2, 75-4120.3, 75-4121 through 75-4144, 75-4146 through 75-4153, 75-4201 through 75-4228, 75-4230 through 75-4242, 75-4244 through 75-4248, 75-4309 through 75-4323, 75-4413 through 75-4430, 75-4501 through 75-4506, 75-4511, 75-4512, 75-4514, 75-4515, 75-4516.1, 75-4516.2, 75-4517, 75-4518, 75-4518.1, 75-4519 through 75-4527, 75-4529 through 75-4535, 75-4537, 75-4538, 75-4540, 75-4601 through 75-4607, 75-4609 through 75-4614, 75-4701 through 75-4709, 75-4801 through 75-4809, 75-5001 through 75-5007, 75-5101, 75-5310 through 75-5317, 75-5401 through 75-5405, 75-5501 through 75-5508, R.C.M. 1947, are repealed.

Effective immediately.

Section 497. This act is effective on its passage and approval.

Approved January 26, 1971

CHAPTER NO. 6

An Act to Amend Section 15-22-119, R.C.M., 1947, to Change the Time For Filing Annual Reports.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 15-22-119, R.C.M., 1947, is amended to read as follows:

"15-22-119. **Filing of annual report of domestic and foreign corporations.** Such annual report of a domestic or foreign corporation shall be delivered to the secretary of state between the first day of January and the *fifteenth* day of *April* of each year, except that the first annual report of a domestic or foreign corporation shall be filed between the first day of January and the *fifteenth* day of *April* of the year next succeeding the calendar year in which its certificate of incorporation or its certificate of authority, as the case may be, was issued by the secretary of state. Proof to the satisfaction of the secretary of state that prior to the *fifteenth* day of *April* such report was deposited in the United States mail in a sealed envelope, properly addressed, with postage prepaid, shall be deemed a compliance with this requirement. If the secretary of state finds that such report conforms to the requirements of this act, he shall

Annual report due between January 1 and April 15 of each year.

Proof of mailing.

file the same. If he finds that it does not so conform, he shall promptly return the same to the corporation for any necessary corrections, in which event the penalties hereinafter prescribed for failure to file such report within the time hereinabove provided shall not apply, if such report is corrected to conform to the requirements of this act and returned to the secretary of state within thirty days from the date on which it was mailed to the corporation by the secretary of state."

Penalties do not apply if report corrected within 30 days.

Approved January 26, 1971.

CHAPTER NO. 7

An Act to be Known as the "Territorial Integrity Act of 1971" and to Prescribe Certain Rights and Enforcement Thereof With Respect to the Furnishing of Electric Service, Amending Section 14-502, R.C.M., 1947, Relating to the Purposes for Which Cooperatives May be Organized; and Section 14-530, R.C.M., 1947, Relating to Definitions and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. This act shall be known and may be cited as the "Territorial Integrity Act of 1971."

Title citation.

Section 2. When used in this act:

(1) The term "electric supplier" means any electrical utility and any electric cooperative.

Electric supplier defined.

(2) The term "electric utility" means a person, firm or corporation other than an electric cooperative which furnishes electrical service to the public.

Electric utility defined.

(3) The term "electric cooperative" means a rural electric cooperative organized under chapter 5 of Title 14, R.C.M. 1947, or a foreign corporation admitted thereunder to do business in Montana.

Electric cooperative defined.

(4) The term "premises" means a building, residence, structure, or facility to which electricity is being or is to be furnished; provided, that two or more buildings, structures or facilities which are located on one tract or contiguous tracts of land and are utilized by one electric consumer for farming, business, commercial, industrial,

Premises defined.

institutional, governmental or trailer court purposes, shall together constitute one premises, except that any such building, structure or facility other than a trailer court shall not, together with any other building, structure or facility, constitute one premises if the electric service to it is separately metered and the charges for such service are calculated independently of charges for service to any other building, structure or facility.

Line defined.

(5) The term "line" means any electric conductor operating at a nominal voltage level of sixty-nine thousand (69,000) volts or less, measured phase-to-phase.

Commercial premises defined.

(6) The term "commercial premises" means the premises where the business of selling, warehousing or distributing a commodity, or other business activity is carried on, or professional or other services are rendered.

Industrial premises defined.

(7) The term "industrial premises" means the premises where an industrial activity is carried on, including, but not limited to, the operation of factories, mills, machine shops, mines, oil wells, refineries, pumping, cleaning and dyeing works, creameries, canneries, stockyards, feedlots, military installations, or other extractive, fabricating or processing activities.

Service areas.

Section 3. With respect to service in all areas outside the boundaries of any incorporated or unincorporated city, town, village or borough having a population in excess of thirty-five hundred (3500) persons at the time of the passage and approval of chapter 172, Session Laws of Montana, 1939, or subsequent thereto, and every incorporated municipality in which ninety-five percent (95%) or more of the premises are served by an electric cooperative on the effective date of the Territorial Integrity Act of 1971, electric suppliers shall have rights and be subject to restrictions as follows:

Electric suppliers—rights and restrictions.

Right to serve premises—effective date.

(1) Every electric supplier shall have the right to serve all premises being served by it, or to which any of its facilities are attached, on the effective date of this act.

Supplier having line nearest premises—effective date.

(2) (a) Subject to section 3 (3) of this act the electric supplier having a line nearest the premises, as measured in accordance with section 3 (2) (b) of this act, shall serve premises initially requiring service after the effective date of this act.

(b) All measurements under this act shall be made on the shortest straight line which can be drawn from the conductor nearest the premises to the nearest permanent portion of the premises. Construction power for premises to be constructed shall be supplied by the electric supplier having the right to serve the completed premises.

Measurement—straight line to premises.

Construction power.

(3) An electric utility shall have the right to furnish electric service to any industrial or commercial premises if the estimated connected load for full plant operation at such industrial or commercial premises will be 400 kilowatts or larger within two (2) years from the date of initial service, provided however such electric utility can extend its lines to such industrial or commercial premises at less cost to the electric utility, or the industrial or commercial customer, than the electric cooperative cost. An independent consultant engineer agreeable to both electric suppliers, or in the event of failure of the electric suppliers to agree on a consultant engineer then by an independent consultant engineer selected by the district court having jurisdiction as provided in section 6 of this act shall determine which electric supplier can extend its lines to the consumer at the least costs. The costs of such engineering services shall be paid equally by the electric suppliers involved. No premises other than another such commercial or industrial premises shall be served from a line constructed under this section. The fact that actual connected load after two (2) years from the date of initial service exceeds or fails to equal 400 kilowatts shall not affect the right of the electric supplier initially providing service to continue service to such premises. The estimated connected load shall be determined from the plans and specifications prepared for construction of the premises or, if such estimate is not available, shall be determined by agreement of the electric supplier and the customer.

Right to serve industrial premises—400 kilowatt or larger load within two years.

Less cost.

Determination by engineer.

Costs paid by supplier.

Right to continue service.

Estimated load determination.

(4) Nothing in this section shall restrict the right of an electric supplier to furnish electric service to any property owned by the electric supplier.

No restriction on property of supplier.

Section 4. Notwithstanding the provisions of section 3 of this act, any electric supplier may furnish electric service to any consumer at any premises being served by another electric supplier upon written agreement of

Written agreement with consumer.

the affected electric suppliers, or at premises which another electric supplier has the right to serve pursuant to this act, upon written agreement of the affected electric suppliers.

Annexed areas.

More than 3500 population.

Right to continue service.

Restriction—
electric cooperatives
right to serve.District courts have
jurisdiction.Failure of
performance.

Right to sue.

Injunction.
Affidavit.Temporary
restraining order.Service on
defendant.

Section 5. With respect to service in areas which are annexed to incorporated municipalities having a population in excess of thirty-five hundred (3500) persons at the time of the passage and approval of chapter 172, Sessions Laws of Montana, 1939, or subsequent thereto, electric suppliers shall have rights and be subject to restrictions as follows:

(1) Every electric supplier shall have the right to serve all premises being served by it on the date of annexation.

(2) An electric cooperative shall not have the right to serve any premises initially requiring service on or after the date of annexation. The restriction stated in this subsection does not apply to incorporated municipalities in which ninety-five percent (95%) or more of the premises are served by an electric cooperative on the effective date of this act.

Section 6. The district courts of the county or counties within which the premises or lines involved in any dispute are located shall have jurisdiction under this act over all electric suppliers subject to the provisions thereof.

Section 7. Whenever it shall appear that any electric supplier is failing or omitting, or about to fail or omit, to do anything required of it by this act, or is doing, or is about to do anything or to permit anything to be done contrary to or in violation of this act, any electric supplier affected thereby shall have the right to file a complaint in the district court briefly setting forth the acts or omissions complained of and requesting an injunction. If an affidavit showing that grounds exist therefor is filed with the complaint, a temporary restraining order shall be issued without notice. A copy of the temporary restraining order, complaint and affidavit shall be served upon the defendant, together with an order to show cause why the temporary restraining order should not be made permanent, within five (5) days after issuance of the temporary restraining order.

The hearing on the order to show cause must be held at a date specified therein, which shall not be more than ten (10) days after service thereof, and shall take precedence over all matters pending before the district court.

A judgment making the injunction permanent or dissolving the temporary restraining order theretofore issued and dismissing the complaint must be made not later than ten (10) days after the hearing on the order to show cause.

Any party aggrieved by the order may appeal to the Supreme Court of Montana by filing a notice of appeal in the district court within twenty (20) days from entry of the order. The appeal must be perfected within twenty (20) days thereafter and shall take precedence over all matters pending before the Supreme Court of Montana.

Section 8. Nothing in this act shall be construed to prevent:

(1) the completion of lines under actual construction on the effective date of this act; or

(2) the construction of lines to provide service under electric power supply contracts and electric service contracts entered into prior to the effective date of this act.

Section 9. Section 14-502, R.C.M. 1947, is amended to read as follows:

"14-502. **Purpose.** Cooperative, nonprofit, membership corporations may be organized under this act for the following purposes:

(a) For the purpose of supplying electric energy and promoting and extending the use thereof in rural areas, as provided in this act.

(b) For the purpose of making generally available in rural areas adequate telephone service through the improvement and expansion of existing telephone facilities and the construction and operation of such additional facilities as are required to assure the availability of such service to the widest practicable number of rural users thereof, provided that nonduplication of lines, fa-

Hearing.

Precedence.

Judgment.

10 days.

Appeal.

Notice—20 days.

Completion of lines
under construction.

Under contract.

Amending clause.

Organizations.

Purposes.

Rural electrical
service.Rural telephone
services.

cilities or systems providing reasonably adequate service will result therefrom.

"Cooperatives" defined.

Corporations organized under this act and corporations which become subject to this act in the manner hereinafter provided are hereinafter referred to as "cooperatives".

Amending clause.

Section 10. Section 14-530, R.C.M.1947, is amended to read as follows:

"14-530. **Definitions.** In this act, unless the context otherwise requires:

"Rural area" defined.

(a) "Rural area" as applied to all corporations organized under the provisions of paragraph (a) of section 14-502, means any area not included within the boundaries of any incorporated or unincorporated city, town, village or borough having a population in excess of thirty-five hundred (3500) persons at the time of the passage and approval of chapter 172, Session Laws of Montana, 1939, or subsequent thereto, and every incorporated municipality in which ninety-five percent (95%) or more of the premises are served by an electric cooperative on the effective date of the Territorial Integrity Act of 1971; "rural area" as applied to all corporations organized under the provisions of paragraph (b) of section 14-502, means any area not included within the boundaries of any incorporated or unincorporated city or town having a population in excess of fifteen hundred (1500) persons.

"Person".

(b) "Person" includes any natural person, firm, association, corporation, business trust, partnership, federal agency, state or political subdivision or agency thereof or any body politic; and

"Member."

(c) "Member" means each incorporator of a cooperative and each person admitted to and retaining membership therein, and shall include a husband and wife admitted to joint membership."

Repealing clause.

Section 11. All acts and parts of acts in conflict herewith are hereby repealed.

Severability clause.

Section 12. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid

applications that are severable from the invalid applications.

Section 13. This act is effective on its passage and approval.

Effective immediately.

Approved February 1, 1971.

CHAPTER NO. 8

An Act Amending Section 26-332, R.C.M., 1947, Concerning Restrictions About Method of Catching, Possession, and Sale of Fish.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 26-332, R.C.M., 1947, is amended to read as follows:

Amending clause.

"26-332. **Method of catching fish—use of traps, seines and nets—restrictions concerning possession and sale of fish.** Every person who takes or catches fish in any of the waters of this state except with hook and line held in hand or line and hook attached to rod or pole held in hand, or who takes or catches fish with hook baited with any poisonous substance or by means of the use of any poisonous substance, including fish berries, or who takes or catches fish by means of the use of fish-traps, grab hooks, seines, nets, or other similar means for catching fish, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished as provided for in section 26-324, and the amendments thereto; provided, however, that the Montana fish and game commission shall have the power, authority, and jurisdiction, to designate such waters within the state of Montana, wherein, in the judgment of the members of said commission, spears or gigs may be used for taking walleyed pike, sauger, northern pike and nongame fish, and traps, seines, or nets, and rubber or spring propelled spears when employed by sportsmen swimming or submerged in the water, may be used for the taking of designated species of fish and to close such waters so designated at the discretion of the commission, and to permit the taking of black bass in Flathead Lake, the taking of all fish by said means in said waters when so designated to be

Restrictions on methods of taking fish.

Misdemeanor penalties.

Fish and game commission may designate waters for spear fishing.